Ilonka Aylward

V

City of Charlotte

and

Charlotte-Mecklenburg Stormwater Services (a.k.a. "Charlotte Stormwater Services," a.k.a. "Charlotte/Mecklenburg Storm Water," a.k.a. "Charlotte Storm Water Services," a.k.a. "City of Charlotte Storm Water Services")

and

Armstrong Glen, P.C.

and

Joseph ("Josh") H. Letourneau, P.E.

Ilonka Aylward's Complaint

Exhibit 15

From: Amschler, Crystal C CIV USARMY CESAW (USA)

Sent: Friday, August 21, 2020 3:53 PM

To: Hamstead, Byron

Subject: Situation 1 NLEB Hinsdale-Tinkerbell CMSWS Mecklenburg County

Attachments: Hinsdale-Tinkerbell CMSWS Cover Letter.pdf; Hinsdale-Tinkerbell CMSWS PCN.pdf

Byron,

Please see the below information as it relates to the NLEB for the project described below:

- 1) Project description. <u>Hinsdale-Tinkderbell CMSWS project</u>. This project involves impacts to waters of the US resulting from updates and improvements to an outdated storm drainage system. This work will involve infrastructure and stream channel improvements and will also result in updates and improvements to sanitary sewer infrastructure. Specific impacts include the temporary impact to 554 lf of stream channel and the permanent impact to 1,977 lf of impact (of which only 116 lf will result in stream loss).
- 2) Project location. The Hinsdale-Tinkerbell Stormwater Project includes several reaches of stream channel that are tributaries of McMullen Creek that are located within in the Beverly Woods neighborhood, roughly bounded by Sharon Road to the west and McMullen Creek to the east located in Charlotte, Mecklenburg County, North Carolina. 35.1325690078136, -80.825975924328
 - 3) Estimate tree clearing in the USACE action area: approximately 5 acres.

Species: Northern long-eared bat (NLEB) (Myotis septentrionalis)

This project falls under Situation/Scenario 1 (i.e., it is NOT located in a red HUC and there are no percussive activities.)

USACE Rationale and Determination: The USACE conducted a GIS review of the project and surrounding areas and also reviewed the most current maps of confirmed/known hibernation and maternity (tree) sites for the NLEB at Blockedhttp://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html <Blockedhttp://www.fws.gov/asheville/htmls/project_review/NLEB_in_WNC.html> .

This project is located outside of the highlighted areas/red 12-digit HUCs and does not require prohibited incidental take; as such, this project meets the criteria for the 4(d) rule and any associated take is exempted/excepted.

U.S. Fish and Wildlife Service (Service) Concurrence: This notice is being sent to the Service in accordance with the surrogate consultation procedure/SLOPES that was established between the Service's Asheville and Raleigh Ecological Offices and the USACE, Wilmington District, for the NLEB. This project does not require prohibited intentional take of the NLEB and meets the criteria for the 4(d) rule; therefore any associated take is exempt and it is not necessary for the USACE to wait 30 days for the Service to object or concur.

Also, based on the information presented in the PCN and from our GIS database, the USACE is not aware of any other issues concerning listed species and/or critical habitat and has determined that the project would have no effect on any other species and/or critical habitat.

Please note, the plans will be sent via separate email due to their size.

Sincerely,

Crystal C. Amschler

Project Manager Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, NC 28403 (828)-271-7980 Ext 4231

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

From: Amschler, Crystal C CIV USARMY CESAW (USA)

Sent: Wednesday, August 19, 2020 9:53 AM

To: Thames, Kelly

Subject: RE: SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Hey Kelly,

I believe I'm good to go on what I need to issue, I just haven't had a chance. Hoping to get it out this week.

Crystal C. Amschler Project Manager Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, NC 28403 (828)-271-7980 Ext 4231

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

From: Thames, Kelly <Kelly.Thames@hdrinc.com> Sent: Wednesday, August 19, 2020 9:44 AM

To: Amschler, Crystal C CIV USARMY CESAW (USA) < Crystal.C. Amschler@usace.army.mil>

Subject: [Non-DoD Source] FW: SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Hey Crystal,

Did you have any follow up regarding Hinsdale? What is your status on issuing the permit? The 401 was issued, but then when I checked the math, it needed revision. The revised was sent this week.

Thanks, Kelly

Kelly Thames, PWS

D 704.338.6710 M 704.996.9986

hdrinc.com/follow-us

From: Thames, Kelly

Sent: Tuesday, August 11, 2020 7:45 AM

To: Amschler, Crystal C CIV USARMY CESAW (US) < Crystal.C.Amschler@usace.army.mil>

Cc: Shanaberger, Erin < Erin.Shanaberger@ci.charlotte.nc.us Subject: RE: SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Good Morning Crystal,

Thanks for calling Friday.

Attached is a signed PJD form from Erin, and a NCDWR form for the drainage on Sheet 15, including a photograph.

ROY COOPER Governor MICHAEL S. REGAN Secretary LINDA CULPEPPER Director



August 18, 2020

DWR# 20-0788 Mecklenburg County

Ms. Erin Shanaberger Charlotte/Mecklenburg Storm Water 600 E. Fourth Street Charlotte, NC 28202

Subject: APPROVAL of 401 Water Quality Certification with Additional Conditions

Hinsdale-Tinkerbell Stormwater Project

Dear Ms. Shanaberger:

You have our approval, in accordance with the General Certification and those conditions listed below, for the purpose proposed in your application dated June 15, 2020, and received by the Division of Water Resources (the Division) on July 1, 2020, and subsequent information on July 28, 2020. After reviewing your application, we have determined that this project is covered by Water Quality General Certification Number 4147 and 4133 which can be viewed on our web site at https://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-401-isolated-wetlands-waters-program The General Certification allows you to use Nationwide Permit Number 3 and Regional Permit 163 once they are issued to you by the U.S. Army Corps of Engineers (COE). Please note that you should get any other federal, state or local permits before proceeding with your project, including those required by (but not limited to) Sediment and Erosion Control, Non-Discharge, and Water Supply Watershed regulations.

The above noted Certification will expire when the associated 404 permit expires unless otherwise specified in the General Certification. It is advised that all conditions of the Certification are reviewed prior to initiation of the project. In addition to the requirements of the Certification, you must also comply with the following conditions:

- 1. This approval is only valid for the purpose and design that you described in your application. If you change your project, you must notify us in writing, and you may be required to send us a new application for a new Certification. If total wetland fills for this project (now or in the future) exceed one acre, or of total impacts to streams (now or in the future) exceed 300 linear feet, compensatory mitigation may be required. If the property is sold, the new owner must be given a copy of the Certification and approval letter; and is thereby responsible for complying with all conditions. 15A NCAC 02H .0506 and 15A NCAC 02H .0507
- 2. The Mooresville Regional Office shall be notified in writing once construction at the approved impact areas has commenced. 15A NCAC 02H .0502 (e)

3. Approved Impacts:

Type of Impact	Amount Approved Temporary Impact	Amount Approved Permanent Impact
Stream:		
Culvert/riprap	175 linear ft.	307 linear ft.
Culvert, bottomless	138 linear ft.	-
Check Dams	168 linear ft.	-
Sewer aerial	57 linear ft.	-
Sewer excavate	16 linear ft.	-
Stabilization	-	1670 linear ft.
Wetland	0 acre	0 acre

- Diversion Ditches and other storm water conveyances as related to the sediment and erosion control measures shall be matted and/or stabilized to reduce sediment loss and turbidity. This includes interior/exterior slopes of sediment basins. 15A NCAC 02H .0506 (b)(3) and (c)(3)
- 5. Bare/fill slopes in excess of 10 feet in height and within 30 feet of surface waters shall be matted. 15A NCAC 02H .0506 (b)(3) and (c)(3)
- Use of native vegetation and other soft stream bank stabilization techniques is
 recommended where practicable instead of riprap or other bank hardening methods. If
 riprap is necessary, it shall not be placed in the streambed, unless approved by DWR
- 7. During the construction of the project, no staging of equipment of any kind is permitted in waters of the U.S., or protected riparian buffers. 15A NCAC 02H .0506(b)(3)
- 8. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this Certification. 15A NCAC 02H.0506(b)(3)
- 9. The permittee shall report to the Mooresville Regional Office any noncompliance with this certification, any violation of stream or wetland standards [including but not limited to sediment impacts, and any violation of state regulated riparian buffer rules. Information shall be provided orally within 24 hours (or the next business day if a weekend or holiday) from the time the applicant became aware of the circumstances. A written submission shall also be provided within 5 business days of the time the applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Division may waive the written submission requirement on a case-by-case basis. 15A NCAC 02B .0200
- 10. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. 15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)

11. Upon completion of the project, the applicant shall complete and return a "Certificate of Completion" form to the 401/Wetlands Branch of the Division using the following link: https://edocs.deg.nc.gov/Forms/Certificate-of-Completion. 15A NCAC 02H .0507(c)

This Certification can be contested as provided in Articles 3 and 4 of the General Statute 150B by filing a written petition for an administrative hearing to the Office of the Administrative Hearings (hereby known as OAH). A petition form may be obtained from the OAH at http://www.ncoah.com/or by calling the OAH Clerk's Office at (919) 431-3000.

Within sixty (60) calendar days of receipt of this notice, a petition must be filed with the OAH. A petition is considered filed when the original and one (1) copy along with any applicable OAH filing fee is received in the OAH during normal office hours (Monday through Friday, 8:00 am to 5:00 pm, excluding state holidays).

The petitions may be faxed to the OAH at (919) 431-3100, provided the original and one (1) copy of the petition along with any applicable OAH filing fee is received by the OAH within five (5) business days following the faxed transmission. Mailing address for the OAH:

If sending via US Postal Service: Office of Administrative Hearings 6714 Mail Service Center Raleigh, NC 27699-6714

If sending via delivery service (UPS, FedEx, etc.) Office of Administrative Hearings 1711 New Hope Church Rd. Raleigh, NC 27609-6285

One (1) copy of the petition must also be served on DEQ as follows:

Mr. Bill Lane, General Counsel Department of Environmental Quality 1601 Mail Service Center Raleigh, NC 27699-1601

This letter completes the review by the Division under Section 401 of the Clean Water Act. If you have any questions, please telephone Mr. Alan Johnson in the Mooresville Regional Office at 704-663-1699.

Sincerely,

-DocuSigned by:

Andrew H Pitner for F161FB69A2D84A3...

Corey Basinger, Regional Supervisor Water Quality Regional Operations Section Mooresville Regional Office, DEQ

Attachment

cc: Crystal Amschler, Army Corps of Engineers, Charlotte, email Kelly Thames, HDR, email DWR 401 & Buffer Permitting Branch file MRO, Land Quality

CERTIFICATE OF COMPLETION

NCDWR Project No.:	County:	
Applicant:		
Project Name:		
Date of Issuance of 401 Water Qualit	y Certification:	
Certificate of Completion Upon completion of all work approved Rules, and any subsequent modification Wetland & Buffer Permitting Unit, No Raleigh, NC, 27699-1617. This form mauthorized agent, or the project engin	ons, the applicant is required to retuing rth Carolina Division of Water Resouing The pereturned to NCDWR by the ap	rn this certificate to the 401 rces, 1617 Mail Service Center, plicant, the applicant's
Applicant's Certification		
I,and diligence was used in the observa to be built within substantial complian Rules, the approved plans and specific	ition of the construction such that the nce and intent of the 401 Water Qual	e construction was observed lity Certification and Buffer
Signature:	Date:	
Agent's Certification		
I,	ition of the construction such that the nce and intent of the 401 Water Qual	e construction was observed lity Certification and Buffer
Signature:	Date:	
Engineer's Certification		
Partial Final		
I,	state that, to the best of my abilities, uction such that the construction was the 401 Water Quality Certification an	, full time) the construction of due care and diligence was observed to be built within
Signature	Registration No	Date

From: Thames, Kelly <Kelly.Thames@hdrinc.com>

Sent: Tuesday, August 11, 2020 7:45 AM

To: Amschler, Crystal C CIV USARMY CESAW (US)

Cc: Shanaberger, Erin

Subject: [Non-DoD Source] RE: SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Attachments: HinsdaleTinkerbell_PJDForm.pdf; Drainage on Sheet 15.pdf; Drainage on Sheet 15.pdf;

1-8.pdf

Good Morning Crystal,

Thanks for calling Friday.

Attached is a signed PJD form from Erin, and a NCDWR form for the drainage on Sheet 15, including a photograph.

With regard to grading for benches at culvert inlets/outlets (attached): the grading linear footage amounts listed would also cover any bench grading at those locations.

- Benches would not be constructed in these locations if bedrock were encountered
- Impact 2: 65 If (permanent non-loss)
- Impact 4: 70 If (permanent non-loss)
- Impact 6: 50 If (permanent non-loss)
- Impact 8: 100 If (permanent non-loss)

Let me know if there is anything else you need.

Thanks! Kelly

Kelly Thames, PWS

D 704.338.6710 M 704.996.9986

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From: Amschler, Crystal C CIV USARMY CESAW (US) [mailto:Crystal.C.Amschler@usace.army.mil]

Sent: Thursday, August 6, 2020 2:52 PM

To: Thames, Kelly <Kelly.Thames@hdrinc.com>

Subject: RE: SAW-2020-01043 Hinsdale-Tinkerbell SDIP

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kelly,

Thanks for this info which has helped resolve most of my questions. I still have some that I'd like to discuss over the phone. The benches and bank stabilization in particular I'm not sure that I've made it clear what I'm specifically asking. I attached some schematics that show the areas that I'm trying to figure out impacts for. also still a little confused about the streams associated with impacts 9/10 and 11 (schematic attached for this also). take a look and call me at 828-526-6013 when you get a chance to discuss.

Thanks,
Crystal C. Amschler
Project Manager



NC Division of Water Quality –Methodology for Identification of Intermittent and Perennial Streams and Their Origins v. 4.11

NC DWQ Stream Identification Form Version 4.11

Drainage on Sheet 15

Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30* A. Geomorphology (Subtotal = 5) Abservable 1ª. Continuity of channel bed and bank 0. 2. Sinuosity of channel along thalweg 0. 3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence 4. Particle size of stream substrate 0. 5. Active/relict floodplain 0. 6. Depositional bars or benches 0. 7. Recent alluvial deposits 0. 8. Headcuts 0. 9. Grade control 0. 10. Natural valley 0. 11. Second or greater order channel artificial ditches are not rated; see discussions in manual B. Hydrology (Subtotal = 5.5) 12. Presence of Baseflow 0. 13. Iron oxidizing bacteria 0. 14. Leaf litter 1.5 Sediment on plants or debris 0. 15. Sediment on plants or debris 0. 16. Organic debris lines or piles 0. 17. Soil-based evidence of high water table? 0. 18. Fibrous roots in streambed 3.	## Mecklenburg Contermination (circle Dintermittent Permittent Permittent	Moderate 2 2 2 2 2 2 2 2 1 1	-80.836906° arlotte East me: Strong 3 3 3 3 1.5 1.5 es = 3 3 0 1.5 1.5
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C. Biology (Subtotal =6) 18. Fibrous roots in streambed3		Y	es € 3
18. Fibrous roots in streambed			
	2	1	0
19. Rooted upland plants in streambed (3)	2	1	0
20. Macrobenthos (note diversity and abundance)	1	2	3
21. Aquatic Mollusks (0)	1	2	3
22. Fish (0)	0.5	1	1.5
23. Crayfish	0.5	1	1.5
24. Amphibians	0.5	1	1.5
25. Algae (0)	0.5	1	1.5
26. Wetland plants in streambed		0.75; OBL = 1.5 Other	
*perennial streams may also be identified using other methods. See p. 35 of		7.73, ODL - 1.3 Other	
Notes:	nanuai.		
TVOICO.			

PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: 6/10/2020

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

Erin Shanaberger Charlotte-Mecklenburg Storm Water Services 600 E. Fourth Street Charlotte, NC 28202 <u>Erin.Shanaberger@ci.charlotte.nc.us</u> (704) 562-2691

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Wilmington District, Hinsdale-Tinkerbell Storm Drainage Improvement Project (SDIP), SAW-2020-01043

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: NC County: Mecklenburg County City: Charlotte

Center coordinates of site (lat/long in degree decimal format): Latitude: 35.133284° Longitude: -80.828972°

Universal Transverse Mercator: NAD 83

Name of nearest waterbody: McMullen Creek (HUC 03050103)

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☑ Field Determination. Date(s): April 27, 2020

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

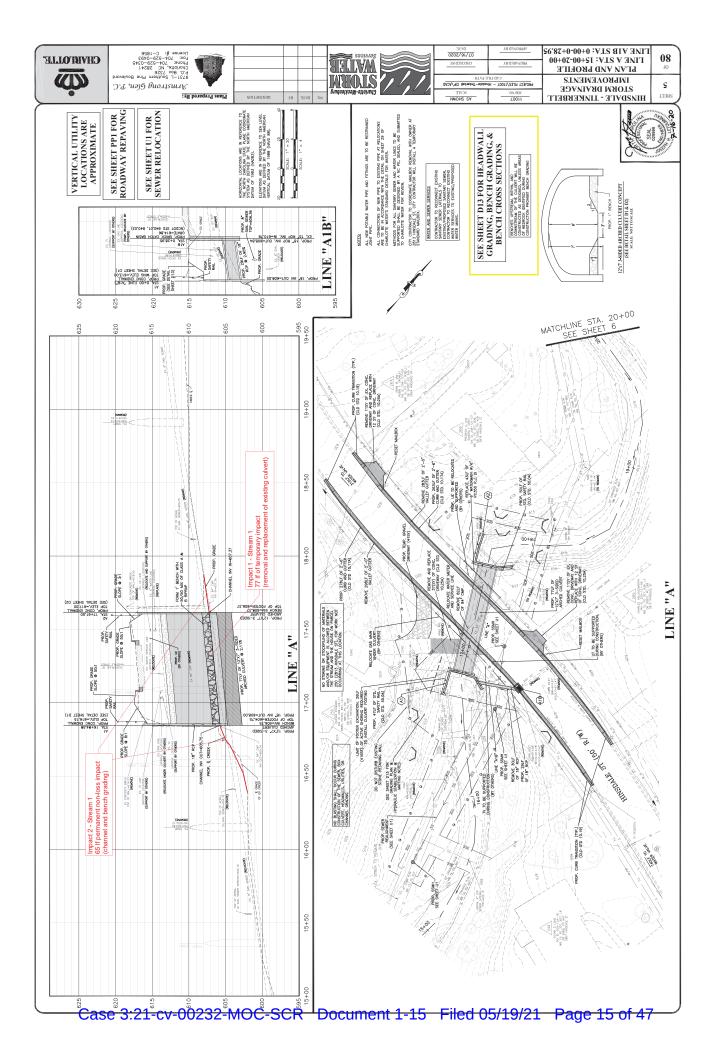
Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resources in review area (acreage and linear feet, if applicable	Type of aquatic resources (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Stream 1 (R4SB4)	35.135725°	80.836465°	53 lf (0.01 ac.)	Non-wetland waters	Section 404
Stream 1 (R5UB)	35.132032°	80.826817°	2,735 If (0.69 ac.)	Non-wetland waters	Section 404
Stream 2 (R4SB4)	35.135521°	-80.836792°	132 If (0.05 ac.)	Non-wetland waters	Section 404
Stream 3 (R6)	35.134181°	-80.828501°	41 lf (0.01 ac.)	Non-wetland waters	Section 404
Stream 3 (R4SB4)	35.133434°	-80.828580°	30 lf (0.01 ac.)	Non-wetland waters	Section 404
Stream 4 (R4SB4)	35.131321°	-80.826497°	2 feet (0.01 ac.)	Non-wetland waters	Section 404
Stream 5 (R4SB4)	35.131165°	-80.825680°	17 If (0.01 ac.)	Non-wetland waters	Section 404

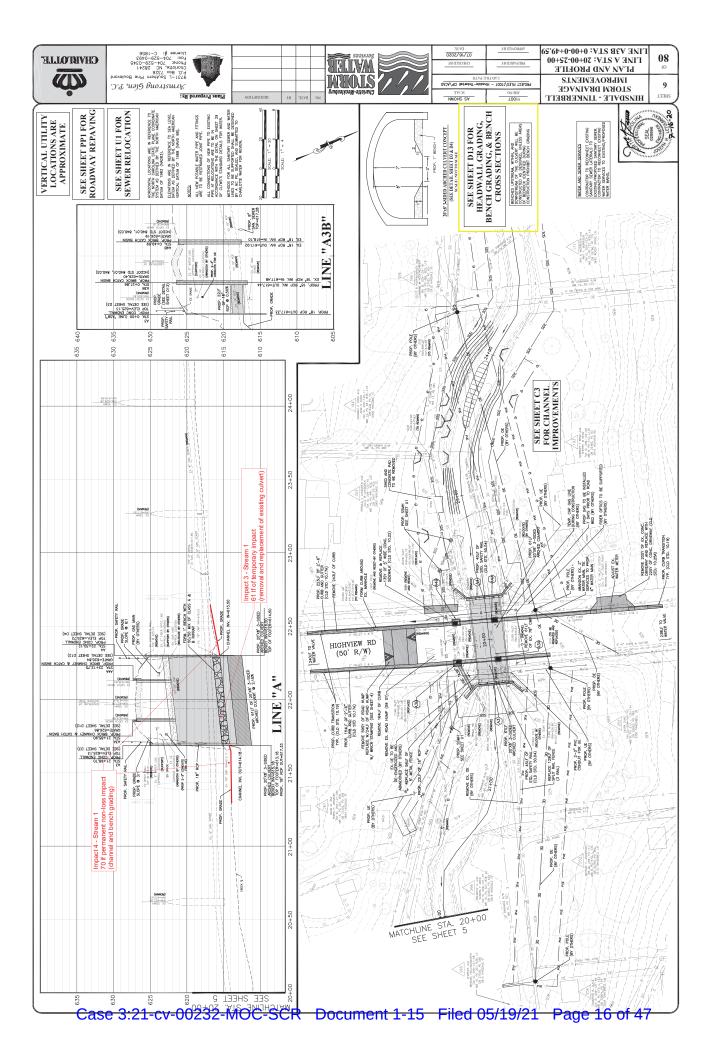
1) The corps of the PJD is hereby advised of his or her option to request and obtain an

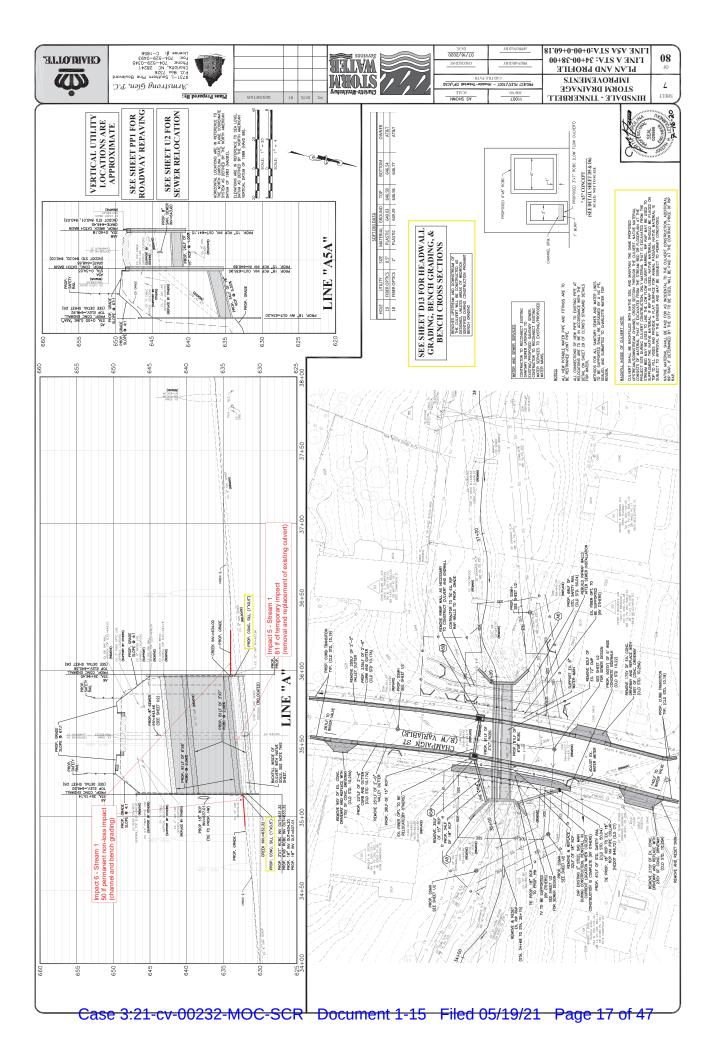
- approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions: (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

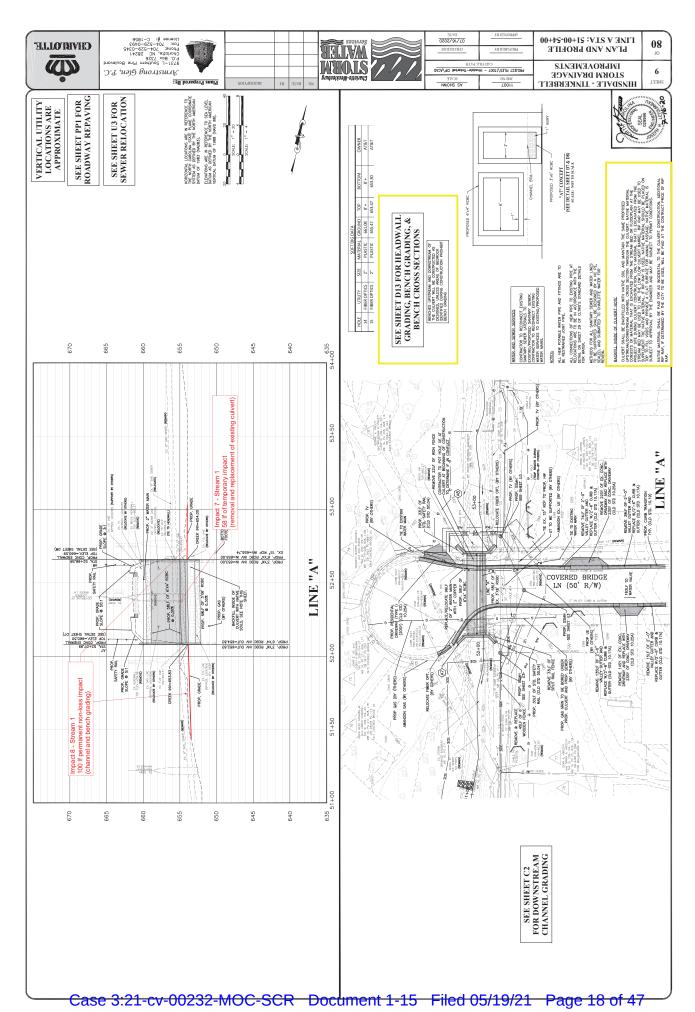
Maps, plans, plots or plat submitted by or on behalf of the I Map:	PJD requestor:
☑ Data sheets prepared/submitted by or on behalf of the PJD	requestor.
Office concurs with data sheets/delineation report.	
Office does not concur with data sheets/delineation	report. Rationale:
☐ Data sheets prepared by the Corps:	
Corps navigable waters' study:	
U.S. Geological Survey Hydrologic Atlas:	
☑ USGS NHD data.	
☐ USGS 8 and 12 digit HUC maps.	
☑ U.S. Geological Survey map(s). Cite scale & quad name: 1"	2:24,000' Charlotte East, NC (1991)
Natural Resources Conservation Service Soil Survey. Citati	ion: NRCS Soils Survey of Mecklenburg Co. (2019)
National wetlands inventory map(s). Cite name: <u>USFWS N</u>	IWI (2019)
State/local wetland inventory map(s):	<u> </u>
⊠ FEMA/FIRM maps:	
☐ 100-year Floodplain Elevation is: (Nation	al Geodetic Vertical Datum of 1929)
or ⊠Other (Name & Date): Site photograph	s, dated 4/27/2020
Previous determination(s). File no. and date of response let	iter:
Other information (please specify):	
IMPORTANT NOTE: The information recorded on this for verified by the Corps and should not be relied upon for late	
AMSCHLER.CRYSTA Digitally signed by L.CAMILLE.1238614 AMSCHLER.CRYSTAL.CAMILLE.12 38614178 Date: 2020.08.21 15:19:34 -04'00'	Erin Shanaberger
Signature and date of Regulatory staff member completing PJD	Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable) ¹
Districts may establish timeframes for requester to return signed PJD forms	s. If the requester does not respond within the

¹ Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.









From: Thames, Kelly <Kelly.Thames@hdrinc.com>

Sent: Friday, August 7, 2020 10:36 AM

To: Amschler, Crystal C CIV USARMY CESAW (US)

Subject: [Non-DoD Source] FW: [External] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Attachments: Hinsdale-TinkerbellResponses_20200717_rev20200728.pdf

See the attached with the plansheet notes per our phone conversation.

Kelly Thames, PWS

D 704.338.6710 M 704.996.9986

hdrinc.com/follow-us

From: Thames, Kelly

Sent: Monday, August 3, 2020 10:45 AM

To: 'Johnson, Alan' <alan.johnson@ncdenr.gov>

Subject: FW: [External] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Alan,

See the below and the attached.

Thanks,

Kelly Thames, PWS

D 704.338.6710 M 704.996.9986

hdrinc.com/follow-us

From: Thames, Kelly

Sent: Tuesday, July 28, 2020 8:56 AM

To: Johnson, Alan <alan.johnson@ncdenr.gov>

Cc: Shanaberger, Erin <Erin.Shanaberger@ci.charlotte.nc.us> **Subject:** RE: [External] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Alan.

To clarify the below below, the attached contains the response with changes highlighted in yellow.

The impact table is highlighted where any changes were made \rightarrow The type of impact for Impacts 42-47 changed from **permanent non-loss** to **temporary**, which changed the breakdown of LF amount per impact type.

For USACE Question 1 and DWR Question 3 → attached are updated plant sheets that reflect added notes detailed in the response. See yellow highlight in revised plan sheets.

For DWR Question 3 → the only design change was to add in sills on the Champaign St culvert (Sheet 7, highlighted in vellow).

Please let me know if any further clarifications are needed!

Thanks, Kelly

Kelly Thames, PWS **D** 704.338.6710 **M** 704.996.9986

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From: Johnson, Alan [mailto:alan.johnson@ncdenr.gov]

Sent: Monday, July 20, 2020 1:48 PM

To: Thames, Kelly <Kelly.Thames@hdrinc.com>

Subject: RE: [External] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

IF there are changes in the impact (table). Just provide an updated impact table, but highlighting those impact areas that have a new/different impact

If there is a change to a design, just provide the impact area and the new design. Clarify what the old design called, then a copy of the new design



Alan D Johnson – Senior Environmental Specialist NC Dept. of Environment & Natural Resources (NCDENR) Division of Water Resources - Water Quality Regional Operations 610 East Center Ave., Suite 301, Mooresville, NC 28115 Phone: (704) 235-2200 Fax: (704) 663-6040

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From: Thames, Kelly [mailto:Kelly.Thames@hdrinc.com]

Sent: Friday, July 17, 2020 10:45 AM

To: 'Amschler, Crystal C CIV USARMY CESAW (US) (Crystal.C.Amschler@usace.army.mil)' <Crystal.C.Amschler@usace.army.mil>; Johnson, Alan <alan.johnson@ncdenr.gov>

Cc: Shanaberger, Erin < Erin. Shanaberger@ci.charlotte.nc.us > **Subject:** [External] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov

Hi Crystal and Alan,

Thank you both for your emails regarding the Hinsdale-Tinkerbell SDIP PCN application.

I've consolidated both of your emailed questions in one response (attached).

Please don't hesitate to reach out with any additional questions.

Thanks! Kelly

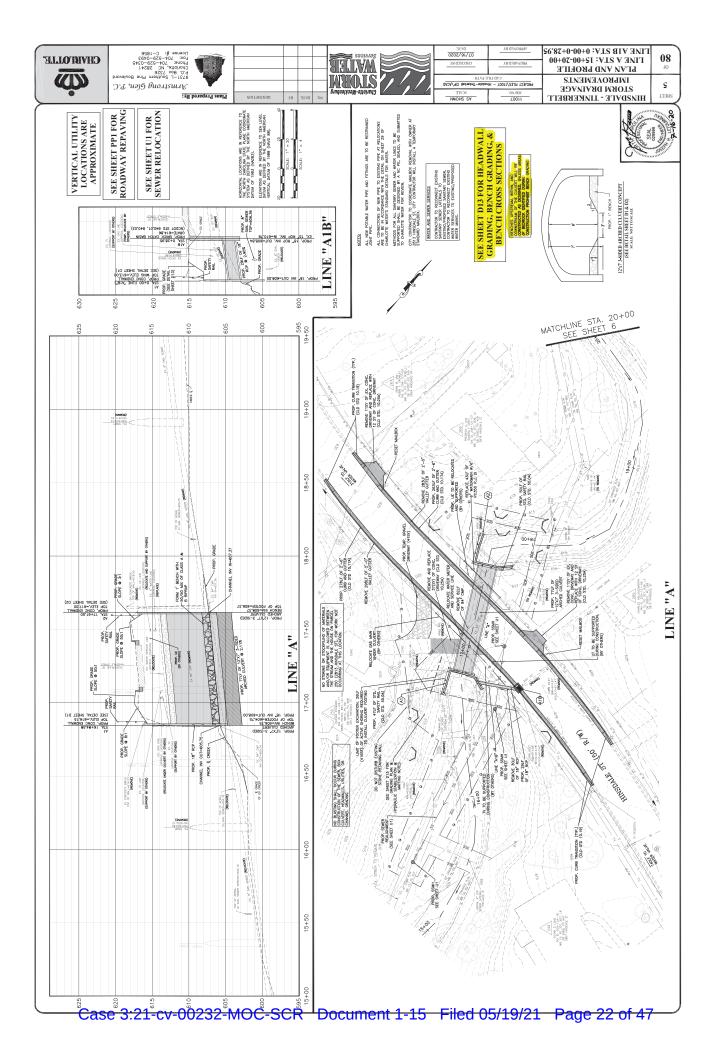
Kelly Thames, PWS

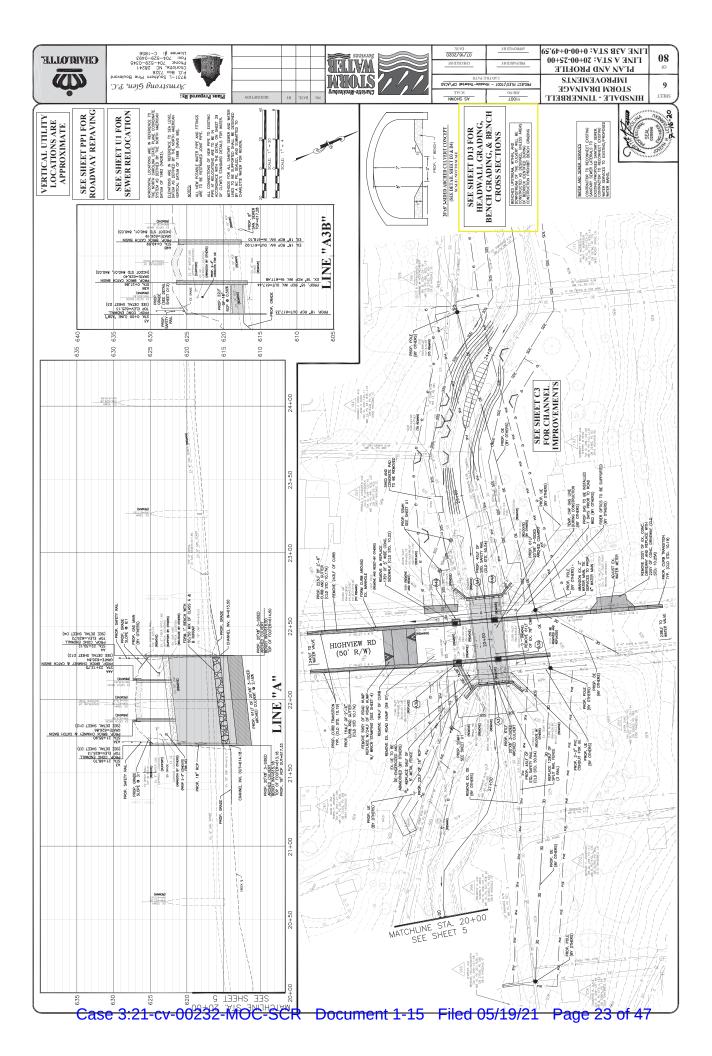
Environmental Project Manager

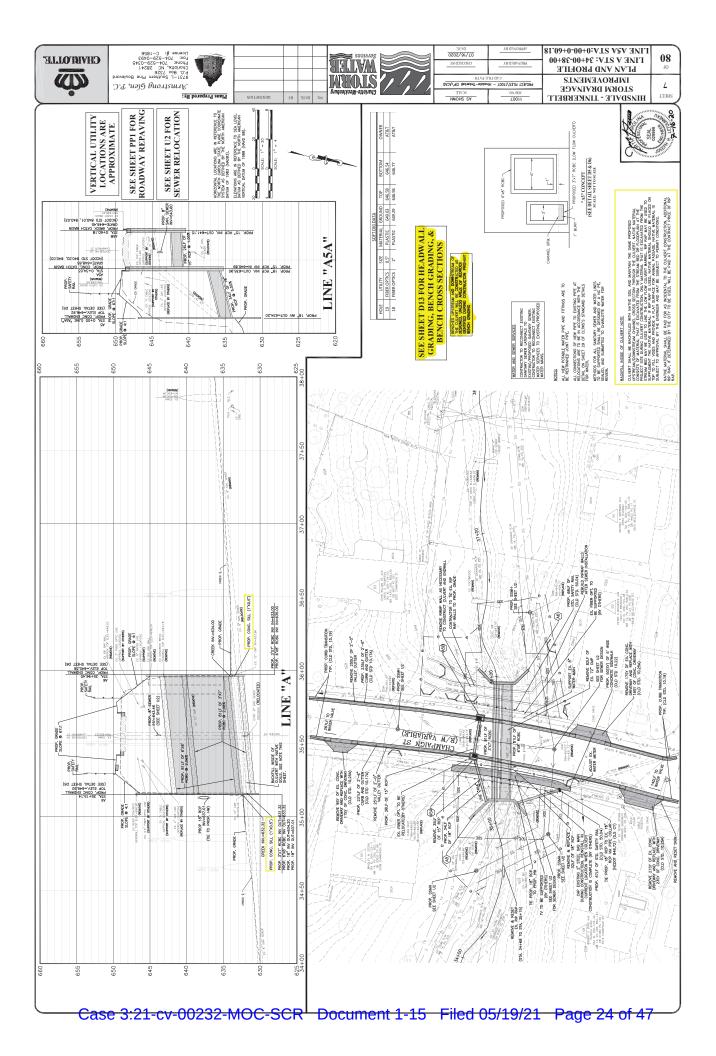
HDR

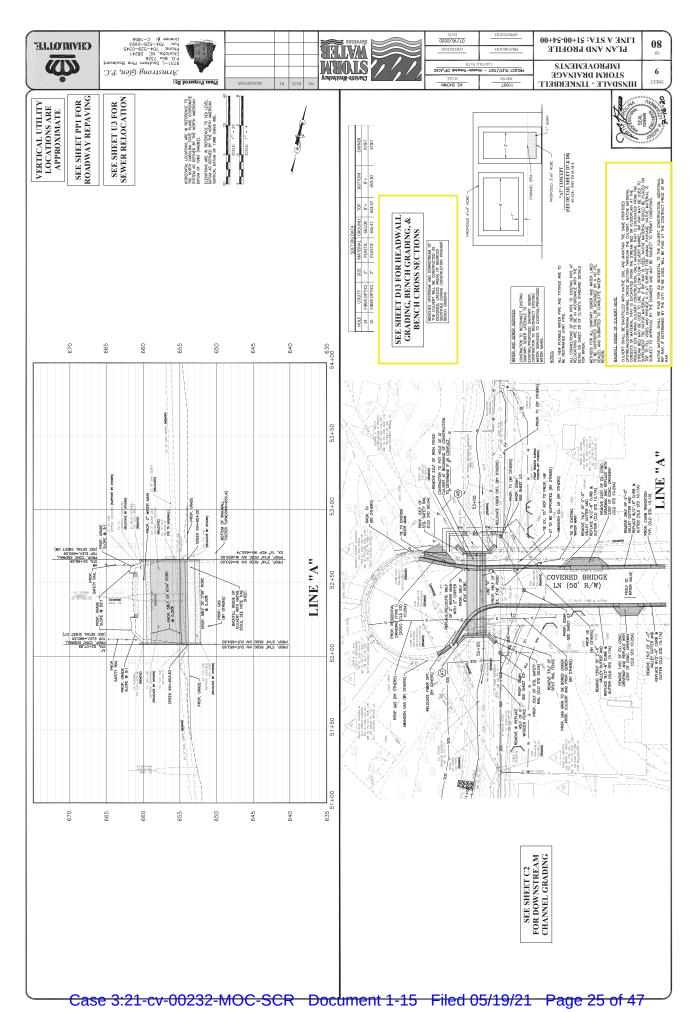
440 S. Church Street, Suite 1000 Charlotte, NC 28202-2075 **D** 704.338.6710 **M** 704.996.9986 kelly.thames@hdrinc.com

hdrinc.com/follow-us









From: Amschler, Crystal C CIV USARMY CESAW (US)

Sent: Thursday, August 6, 2020 2:52 PM

To: Thames, Kelly

Subject: RE: SAW-2020-01043 Hinsdale-Tinkerbell SDIP benches.pdf; questions on 9-10 and 11.pdf

Hi Kelly,

Thanks for this info which has helped resolve most of my questions. I still have some that I'd like to discuss over the phone. The benches and bank stabilization in particular I'm not sure that I've made it clear what I'm specifically asking. I attached some schematics that show the areas that I'm trying to figure out impacts for. also still a little confused about the streams associated with impacts 9/10 and 11 (schematic attached for this also). take a look and call me at 828-526-6013 when you get a chance to discuss.

Thanks,

Crystal C. Amschler Project Manager Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, NC 28403 (828)-271-7980 Ext 4231

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete the Customer Satisfaction Survey located at:

http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

From: Thames, Kelly <Kelly.Thames@hdrinc.com>

Sent: Friday, July 17, 2020 10:45 AM

To: Amschler, Crystal C CIV USARMY CESAW (US) < Crystal.C.Amschler@usace.army.mil>; Johnson, Alan

<alan.johnson@ncdenr.gov>

Cc: Shanaberger, Erin <erin.shanaberger@ci.charlotte.nc.us>

Subject: [Non-DoD Source] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Hi Crystal and Alan,

Thank you both for your emails regarding the Hinsdale-Tinkerbell SDIP PCN application.

I've consolidated both of your emailed questions in one response (attached).

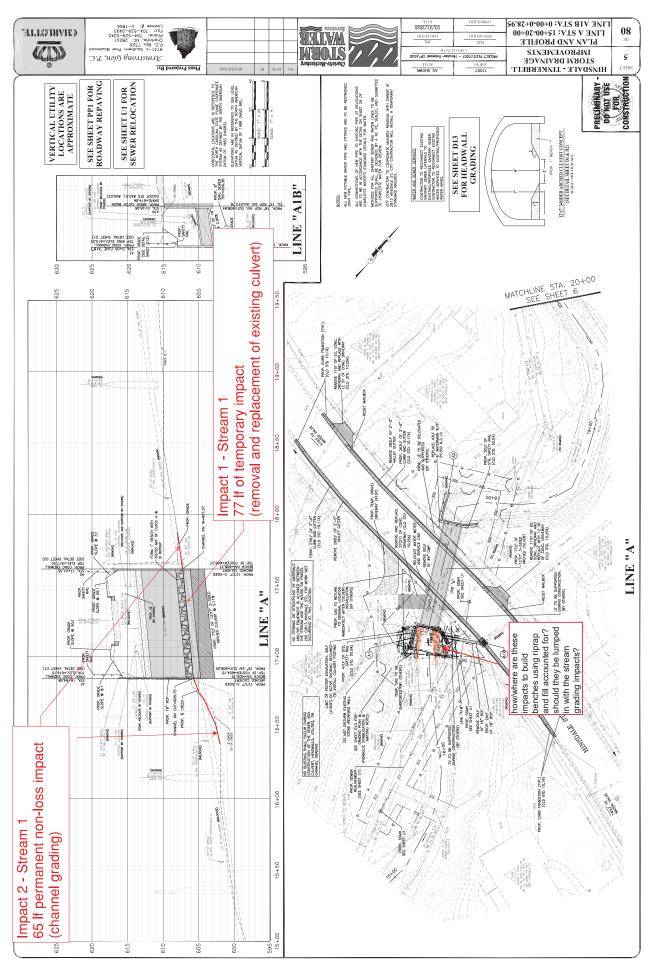
Please don't hesitate to reach out with any additional questions.

Thanks! Kelly

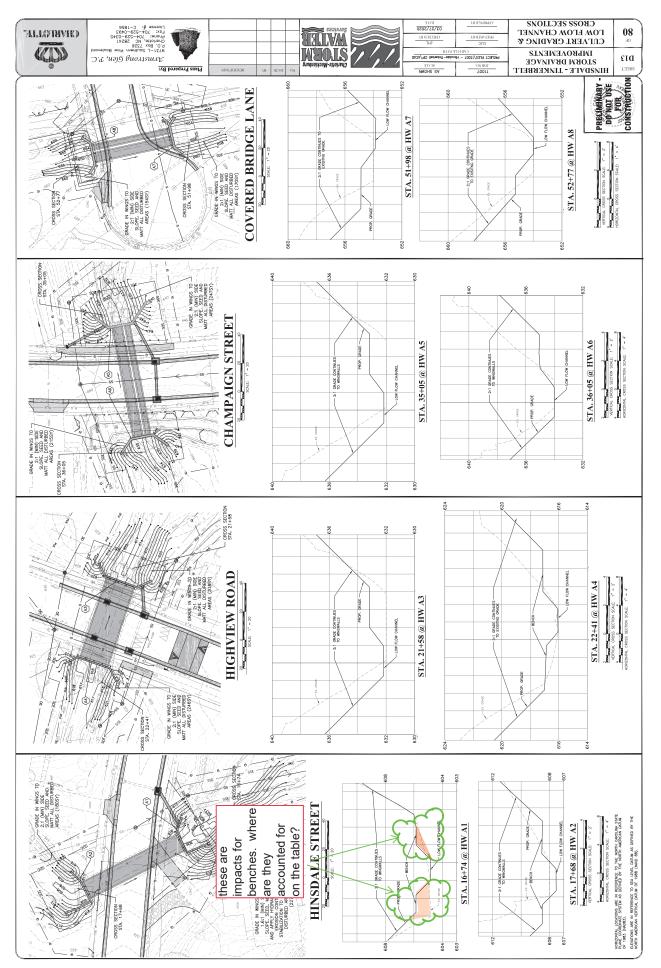
Kelly Thames, PWS

Environmental Project Manager

HDR

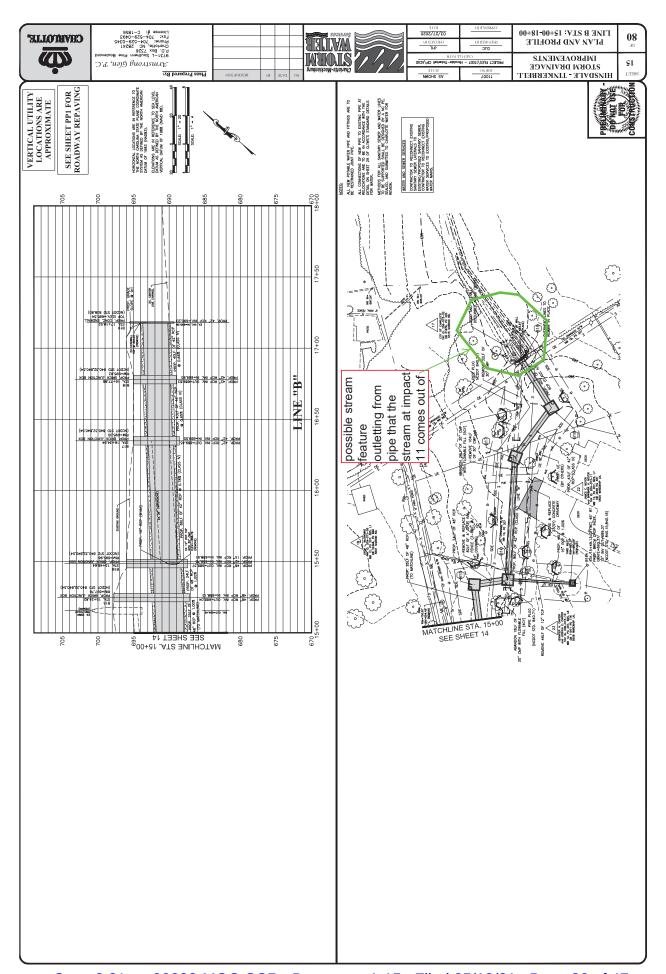


Case 3:21-cv-00232-MOC-SCR Document 1-15 Filed 05/19/21 Page 27 of 47



Case 3:21-cv-00232-MOC-SCR Document 1-15 Filed 05/19/21 Page 28 of 47

				>		
INDEX OF SHEETS	PROJECT AREA		P.	PE SEAL	CONVENTIONAL SIGNS	
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	NCDOL 2018 STANDARD SPECIFICATIONS		Water Quality		CITY ENGINEER DATE	7



From: Thames, Kelly <Kelly.Thames@hdrinc.com>

Sent: Friday, July 17, 2020 10:45 AM

To: Amschler, Crystal C CIV USARMY CESAW (US); Johnson, Alan

Cc: Shanaberger, Erin

Subject: [Non-DoD Source] SAW-2020-01043 Hinsdale-Tinkerbell SDIP

Hinsdale-TinkerbellResponses_20200717.pdf **Attachments:**

Hi Crystal and Alan,

Thank you both for your emails regarding the Hinsdale-Tinkerbell SDIP PCN application.

I've consolidated both of your emailed questions in one response (attached).

Please don't hesitate to reach out with any additional questions.

Thanks! Kelly

Kelly Thames, PWS

Environmental Project Manager

HDR

440 S. Church Street, Suite 1000 Charlotte, NC 28202-2075 **D** 704.338.6710 **M** 704.996.9986 kelly.thames@hdrinc.com

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July 17, 2020

Ms. Crystal Amschler U.S. Army Corps of Engineers 151 Patton Avenue Asheville, NC 28801

Mr. Alan Johnson NC Division of Water Resources 610 East Center Ave, Suite 301 Mooresville, NC 28115

Subject: Responses to USACE and DWR Pre-Construction Notification Comments

Hinsdale-Tinkerbell Storm Drainage Improvement Project (SDIP)

SAW-2020-01043

Dear Ms. Amschler and Mr. Johnson,

Thank you for your emails on July 10 and July 15, 2020 regarding questions on the Pre-Construction Notification (PCN) application for the Hinsdale-Tinkerbell Storm Drainage Improvement Project (SDIP). Responses are organized by requesting Agency.

US Army Corps of Engineers – Crystal Amschler

1. First question is about benches and bank work. The plan sheets show impacts where riprap and aprons will be replaced, stream grading and culvert replacements, but no impacts along the banks for benches. Also, the plan shows for the double barrel crossings that the low flow culvert is off to the side with nothing on the plan showing that the stream width will be maintained and the low flow will be directed into the low floor culvert. The D plan series does however show cross sections with benches for each culvert and it looks like from these plans that there will benches to maintain widths and direct flow into the low flow culverts. It would be helpful if the profile showed the extent of the bank work and benches as well. Also, the bank stabilization/benches should be included as permanent non-loss impacts for bank stabilization.

On Sheets 5, 6, 7, & 9 the plan set has been updated to note: "SEE SHEET D13 FOR HEADWALL GRADING" with "SEE SHEET D13 FOR HEADWALL GRADING, BENCH GRADING, AND BENCH CROSS SECTIONS". In addition, a note has been added on each of those sheets that states, "Benches upstream and downstream of the culvert will be constructed as designed, unless areas of bedrock identified during construction prohibit bench grading."

Impacts 13, 14, 17, 18, and 19 are those impacts associated with channel bank grading that includes bank benching and subsequent bank stabilization. These impacts are noted as permanent non-loss impacts in the impact summary table.

a. And just to note, I understand that where the two bottomless culverts are, the area is underlain with bedrock. I'm concerned that any riprap/soil placed to build benches on bedrock would quickly wash away and end up in downstream reaches. I know that Erin and Alan and I discussed previously just letting the stream follow its current, natural course in these areas of bedrock instead of trying to artificially narrow the flow to widths above and below the bed rock areas like we would normally do. Not sure if the benches should be completely removed from the plans or if there should just be a note that the benches will be constructed or eliminated in areas of bedrock based on site conditions as identified during construction.

See the above response. Additionally, in areas where bedrock is encountered underlying the bottomless culverts, material will not be added to create a low flow channel.

2. I'm not seeing a PJD form. Please complete, sign and provide this form. Also couple questions on the JD:

We provided this as Delineation Only documentation per guidance from Bryan Roden-Reynolds. We were under the impression that he would be reviewing this project and I had a conversation with him directing me to submit in that way. It was only right before the application was submitted that we were directed to send the application to Steve Kichefski, and then after submitting we discovered it was in your hands, due to the familiarity with the project. Over several conversations with various USACE PMs, I have been directed that formal JD verification is not necessary for PCN submittals and we would like to pursue a Delineation Only option on this project, as there is at least one unacquired easement.

a. Stream 3 is labeled as ephemeral and in the pictures it's looking really dry. DWR score is 18. Are you suggesting this stream is jurisdictional or just an ephemeral stormwater feature? Based on the information you provided its looking like a non-JD stormwater feature to me. If it turns out it's not JD, then you would want to remove Impact 12 from the impact table and impact calculations.

Yes, I am suggesting it's jurisdictional, but weak. I did observe an Ordinary High Water Mark (OHWM). It's highly degraded due to the outlet protection disrepair.

b. The JD shows a couple of areas that the review area bulbs out, but no waters there. Were there potential features in those areas and if not why was the map drawn this way. I attached the JD and circled in green the areas I am referring to. If these areas were drawn in this way due to potential waters please provide some photos and a stream form to verify they are non-JD.

The areas you circled in green are access areas for the project that connects road infrastructure to the stream riparian areas, but no jurisdictional features are located within these areas. The intent is to illustrate that access would not impact jurisdictional features.

3. Impacts 9/10 and 11 occur where the stream enters extensive stormwater systems. The outlet of these systems are outside of the review area included with the PJD so it's unclear if the other ends are continuations of these streams or if the streams start at the inlets to these stormwater systems. Not sure what happens at the end of sheet 11, but it definitely looks like it could be a stream at the end of sheet 15 and there appears that there may be work in that feature which would need to be included in impacts if it is jurisdictional. Please provide some clarification on if there are jurisdictional waters on the other end of these systems.

Impacts 9, 10, and 11 are within the review area. Please see the attached figure noting the Impact #s and their locations. Sheet 11 connects with Sheet 10, which follows a stormwater pipe system beneath Cotillion Avenue resulting in Impacts 9 and 10 at the outlet.

4. There are 7 temporary stream crossings proposed. As you know, we require that impacts be avoided and minimized to the maximum extent possible, and that includes temporary crossings. The stream should be crossed as few times as possible. Please provide justification on what the stream crossings can't be reduced.

With over a mile of channel in the neighborhood, with pockets of disjointed sewer and channel work located throughout, it was necessary to assume the possibility of 7 channel crossings in order to limit mass clearing. Saving trees is a big priority on this project, and providing access to these pockets of work via crossings limits the need for the contractor to traverse long stretches of channel bank.

5. Aerial lines as impacts but doesn't address impacts from open cutting. The PCN and plans show some burial and any time a stream is open cut to construct utility lines, those impacts should be identified as temporary impacts. The impact table should be revised to reflect the open cut impacts in the streams. Also, in areas that there is bedrock, I understand that blasting would be required for open cutting correct? You should provide some justification on why blasting can't be avoided, address potential risk of fracking and explain how the impact areas will be backfilled since you will be blasting in rock.

Impacts 40 and 41 are existing aerial lines that will both be slightly shifted downstream and buried via open cut methods. Impact 40 will be placed in bedrock via a chemical reaction material/drilling (i.e. no blasting) to break apart rock that cannot be broken by an excavator. It will be a shallow crossing (≤ 1 foot) and backfill will not be necessary. Impacts 46 and 47 are existing aerial lines that will be replaced in the same footprint, but buried. Impacts 40, 41, 46, and 47 (those that will be buried) are all noted as temporary impacts in the impact table.

Impacts 42-45 are aerial crossings that will be replaced as aerial crossings in the same footprint and would not require open cut, but were noted as permanent non-loss impacts due to the bank work needed. Table 2 (impact summary table) from the PCN application is located at the end of this memo and Impacts 42-45 have been changed to temporary impacts and overall totals revised.

For sewer work on Sheets U4-U6 (Impacts 42-47), significant bedrock is not anticipated. If bedrock is encountered that requires removal, a note will be added to the plan set to have the contractor start with very small blast charges to limit damage to surrounding rock. The charges will be increased to remove the rock, if needed. The sewer trench will be backfilled with pieces of rock removed from blasting and select material per plan specifications.

6. Please provide overall plan sheets that show the locations for the EC and U series of plan sheets so I know where the impacts these plans show are located.

See the attached.

7. Last question regards NLEB. This project falls under situation 1 and in the standard email we send to FWS we need to provide an estimate of the number of, or the acreage of tree clearing. Please provide this information.

Total disturbed acreage is 10 acres.

Division of Water Resources – Alan Johnson

1. Impact #1 and similar construction. You show riprap inside the culvert to maintain channel dimensions. Are they sized to stay in place per the storm event the culvert is designed? (Ex. 10 rain event isn't strong enough to move 12" riprap, 25 year rain event will wash away the 12" riprap). Will the riprap be backfilled with soil to fill the voids (or with crush run and/or screenings)?

See answer to Question 1 in the USACE question/response section. Benches upstream and downstream of the culvert will be constructed as designed, unless areas of bedrock identified during construction prohibit bench grading. Additionally, in areas where bedrock is encountered underlying the bottomless culverts, material will not be added to create a low flow channel.

- 2. Impact #2, the channel is cut...is this to have riprap? The slope may be gentle enough not to require, but you know how plans are. Sometimes the scale throws you off.
 - No rip rap is proposed at the inlets/outlets of the bottomless culverts at Hinsdale Street (Impact 1) and Highview Road (Impact 3).
- 3. Impact #5, I propose a sill at the up and down stream ends of culvert, to help hold grade and the fill material within the culvert. And all similar culvert designs.
 - Sills have been added on the upstream and downstream end of the culvert at Champaign Street (Impact 5). Sheet 7 will be updated to reflect this as well as a sill detail added to Sheet C7. Hinsdale Street (Impact 1) and Highview Road (Impact 3) are bottomless culverts and sills are not necessary. The culvert at Covered Bridge Lane (Impact 7) has a very gentle slope (0.30%) and sills are not necessary.
- 4. Impact #9 #10, why not extend the culvert to discharge at the current grade (flatten the slope), than continue the slope. Why the extension in the first place. Is riprap at the outfall? Was it pushed down stream? Is larger riprap proposed?
 - Extension of the stormwater pipe at this location (Impact 10) is due to a slight realignment of the pipe to avoid conflict with an adjacent sewer and residential shed structure. The minor 2-foot extension provides the necessary clearance for maintenance between the pipe outlet and the adjacent sewer. The extension is necessary because of the realignment, but is minimized in order avoid additional impacts to the channel. If extended further downstream, a rip rap apron would

still be necessary as the receiving stream has lower flow velocities than what would be discharged from the stormwater pipe. Per the Charlotte-Mecklenburg Strom Water Design Manual, scour protection is required whenever the velocities of flows leaving a stormwater system exceeds the erosive velocity of the downstream channel system. Additionally, rip rap is already located in in the channel at this location, but requires enhancement and replacement due to displacement during construction (see Photograph 1 of the application). The size of rip rap will remain the same as was existing.

5. Impact #11, why propose riprap. Is the stream stable?

Per the Charlotte-Mecklenburg Strom Water Design Manual, scour protection is required whenever the velocities of flows leaving a stormwater system exceeds the erosive velocity of the downstream channel system. Additionally, rip rap is already located in in the channel at this location, but requires enhancement and replacement due to displacement during construction (see Photograph 2 of the application).

6. Impact #18 and others. Always concerned about rock toes. Soil lifts (double wrapped) and heavy vegetation appropriate?

The proposed rock toes associated with Impacts 13, 18, 19 are located in areas where bank grading would be difficult due to a number of variables. A rock toe is proposed for Impact 13 on the left bank because of proximal sanitary sewer infrastructure that would be impacted by grading as well as limit heavy vegetation growth if a soil lift were installed. A rock toe is proposed for Impact 18 as the protection is needed for an undercut bank that exhibits significant topography upslope that would require substantial grading and tree removal to install any other form of bank protection. A rock toe is proposed for Impact 19 so that grading to tie into upstream and downstream banks would not be necessary as well as eliminate unnecessary tree clearing.

7. Proposed check dams Impact #20 through??? I assume this is for pump around for each section as they move down stream?

Rock check dams are associated with Impacts 20-23, 27-29, 32, 33, and 35-37. The Division of Energy, Mineral, Land Resources (DEMLR) during Sediment and Erosion Control plan review suggested to install check dams downstream of the various pockets of work, to help trap sediment from channel/culvert/sewer work. They are not associated with pump around operations. These rock check dams are temporary and will be removed once the upstream pocket of work is completed.

8. Riprap associated with culvert shall be embed into the streambed.

Rip rap will be embedded into existing grade in locations where rip rap is indicated.

Charlotte Storm Water Services | Hinsdale-Tinkerbell SDIP SAW-2020-01043

Table 1. Summary of Impacts to On-Site Jurisdictional Waters of the U.S.

Length (If) **Impact** 171 lf 140 lf 250 lf 244 lf 100 lf 느 61 If 20 If 77 If 65 If 70 If 81 If 50 If 58 If 20 If 94 lf 50 If 16 If 2 If 571 Permanent non-loss Permanent loss Permanent loss Permanent loss Impact Type Temporary Temporary Temporary Temporary Temporary Temporary Channel realignment Bank stabilization Bank stabilization Bank stabilization Bank stabilization Channel grading Outfall Extension Rip rap apron Rip rap apron Rip rap apron mpact Type Replacement Replacement Replacement Replacement Culvert Grading Grading Grading Grading Culvert Culvert Culvert **RGP 163 RGP 163** RGP 163 **RGP 163** RGP 163 **RGP 163** RGP 163 **RGP 163** RGP 163 **RGP 163 RGP 163 RGP 163** Permit Impact Number 10 - 12 73 15 16 17 9 4 က 2 _ ∞ တ α 4 9 Plan Sheet 12 \mathbb{S} \overline{c} 10 28 C_2 2 2 9 ത NCSAM Score Low NCSAM 10, 11 ∞ 13 ₽ တ ω 9 4 0 က က Intermittent/ Intermittent RPW Perennial RPW Perennial RPW Perennial RPW Perennial RPW Perennial RPW Intermittent Ephemeral Perennial RPW Perennial RPW Perennial Perennial RPW RPW Jurisdictional Stream 3 Stream 1 Stream 1 Stream 2 Stream 1 Feature

Charlotte Storm Water Services | Hinsdale-Tinkerbell SDIP SAW-2020-01043

Perennial 12 Medium CS 19 RGP 163 Rock Check Dam Temporary 6 lf Perennial 12 Redp 163 Rock Check Dam Temporary 6 lf Perennial 12 RGP 163 Rock Check Dam Temporary 6 lf Perennial 12 RGP 163 Rock Check Dam Temporary 6 lf Perennial 11 Low EC1 23 RGP 163 Temporary Crossing Temporary 12 lf RPW 25 RGP 163 Temporary Crossing Temporary 12 lf Perennial 11 Low EC1A 29 RGP 163 Temporary Crossing Temporary 6 lf Perennial 7 Low EC1A 29 RGP 163 Temporary Crossing Temporary 6 lf RPW 7 Low EC1A 29 RGP 163 Temporary Crossing Temporary 12 lf Perennial 7 Low EC3 RGP 163 Temporary Crossing T	Interr	Intermittent/ Perennial	NCSAM ID	NCSAM Score	Plan Sheet	Impact Number	Permit	Impact Type	Impact Type	Impact Length (if)
12 Medium EC1 23 RGP 163 Rock Check Dam Temporary	ë œ	ennial PW	75	Medium	C5	0	RGP 163	Channel grading and stabilization	Permanent non-loss	150 lf
12 Medium EC1 23 RGP 163 Rock Check Dam Temporary 12 RGP 163 Rock Check Dam Temporary 12 RGP 163 Temporary Crossing Temporary 13 RGP 163 Temporary Crossing Temporary 14 Low EC3 29 RGP 163 Temporary Crossing Temporary 15 SA RGP 163 Temporary Crossing Temporary 16 Low EC3 29 RGP 163 Temporary Crossing Temporary 17 Low EC3 33 RGP 163 Temporary Crossing Temporary 18 SA RGP 163 Temporary Crossing Temporary 19 Low EC5 37 RGP 163 Temporary Crossing Temporary 19 Low U1 40 NWP 3 Sanitary Sewer Line Temporary 10 Crossing Temporary 11 RGP 163 Temporary Crossing Temporary 12 RGP 163 Temporary Crossing Temporary 14 Low EC5 37 RGP 163 Temporary Crossing Temporary 15 SA RGP 163 Temporary Crossing Temporary 16 Low U1 40 NWP 3 Sanitary Sewer Line Temporary 17 Crossing Temporary Crossing Temporary 18 Sanitary Sewer Line Temporary 19 Crossing Temporary Crossing Temporary 19 Crossing Temporary Crossing Temporary 19 Crossing Temporary Crossing Temporary 10 Crossing Temporary 11 RGP 163 Temporary Crossing Temporary 12 Crossing Temporary 13 RGP 163 Temporary Crossing Temporary 14 RGP 163 Temporary Crossing Temporary 15 Crossing Temporary 16 Crossing Temporary Crossing Temporary 17 Crossing Temporary 18 RGP 163 Temporary Crossing Temporary 18 RGP 163 Temporary Crossing Temporary 19 Crossing Temporary Crossing Temporary 19 Crossing Temporary Crossing Temporary 19 Crossing Temporary Crossing Temporary 10 Crossing Temporary Crossing Temporary 11 Crossing Temporary Crossing Temporary 12 Crossing Temporary Crossing Temporary 13 Crossing Temporary Crossing Temporary 14 Crossing Temporary Crossing Temporary 15 Crossing Temporary Crossing Temporary 16 Crossing Temporary Crossing Temporary 17 Crossing Temporary Crossing Temporary 18 Crossing Temporary Crossing Temporary 19 Crossing Temporary Crossing T						20	RGP 163	Rock Check Dam	Temporary	6 If
12 Medium EC1 23 RGP 163 Rock Check Dam Temporary 24 RGP 163 Temporary Crossing Temporary 25 RGP 163 Temporary Crossing Temporary 25 RGP 163 Temporary Crossing Temporary 26 RGP 163 Temporary Crossing Temporary 27 RGP 163 Rock Check Dam Temporary 27 RGP 163 Temporary Crossing Temporary 28 RGP 163 Temporary Crossing Temporary 29 RGP 163 Temporary Crossing Temporary 29 RGP 163 Temporary Crossing Temporary 20 RGP 163 Temporary 2						21	RGP 163	Rock Check Dam	Temporary	6 If
12 Medium EC1 23 RGP 163 Temporary Crossing Temporary Temporary 1 Low EC1 23 RGP 163 Temporary Crossing Temporary Temporary 11 Low EC1A 26 RGP 163 Temporary Crossing Temporary 12 RGP 163 Temporary Crossing Temporary 27 RGP 163 Rock Check Dam Temporary 30 RGP 163 Temporary Crossing Temporary 4 Low EC3 33 RGP 163 Temporary Crossing 5 A RGP 163 Temporary Crossing Temporary 6 Low EC5 37 RGP 163 Rock Check Dam Temporary 5 A RGP 163 Rock Check Dam Temporary 5 34 RGP 163 Rock Check Dam Temporary 5 37 RGP 163 Rock Check Dam Temporary 6 Low U1 40 NWP 3 Temporary Crossing Te						22	RGP 163	Rock Check Dam	Temporary	6 If
14 RGP 163 Temporary Crossing Temporary Crossing 15 RGP 163 Temporary Crossing Temporary Crossing 11 Low EC1A 29 RGP 163 Temporary Crossing Temporary Crossing 7 Low EC1A 29 RGP 163 Temporary Crossing Temporary 7 Low EC3 31 RGP 163 Temporary Crossing Temporary 5 A RGP 163 Temporary Crossing Temporary Temporary 4 Low EC3 33 RGP 163 Rock Check Dam Temporary 5 A RGP 163 Temporary Crossing Temporary Temporary 5 A RGP 163 Rock Check Dam Temporary 5 A RGP 163 Rock Check Dam Temporary 5 A RGP 163 Rock Check Dam Temporary 6 Low EC5 37 RGP 163 Temporary Crossing 6 Low U1 40<	e R	ennial PW	12	Medium	EC1	23	RGP 163	Rock Check Dam	Temporary	6 If
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11 Low EC1A 29 RGP 163 Fock Check Dam Temporary 11 Low EC1A 29 RGP 163 Rock Check Dam Temporary 7 28 RGP 163 Rock Check Dam Temporary 7 29 RGP 163 Temporary Crossing Temporary 7 10w EC3 33 RGP 163 Rock Check Dam Temporary 5 32 RGP 163 Rock Check Dam Temporary Temporary 4 4 RGP 163 Rock Check Dam Temporary 5 35 RGP 163 Rock Check Dam Temporary 6 Low EC5 37 RGP 163 Rock Check Dam Temporary 5 36 RGP 163 Rock Check Dam Temporary Temporary 5 37 RGP 163 Rock Check Dam Temporary 6 Low U1 40 NWP9 3 Sanitary Sewer Line 6 Low U2 41						25	RGP 163	Temporary Crossing	Temporary	12 lf
11 Low EC1A 29 RGP 163 Rock Check Dam Temporary 11 Low EC1A 29 RGP 163 Rock Check Dam Temporary 7 Low EC3 31 RGP 163 Temporary Crossing Temporary 5 Low EC3 33 RGP 163 Temporary Crossing Temporary 4 Low EC3 33 RGP 163 Temporary Crossing Temporary 5 A 34 RGP 163 Temporary Crossing Temporary 4 Low EC5 37 RGP 163 Rock Check Dam Temporary 5 36 RGP 163 Rock Check Dam Temporary Temporary 5 37 RGP 163 Temporary Crossing Temporary 6 Low U1 40 NWP 3 Sanitary Sewer Line Temporary 6 Low U2 41 NWP 3 Sanitary Sewer Line Temporary						26	RGP 163	Temporary Crossing	Temporary	12 lf
11 Low EC1A 29 RGP 163 Rock Check Dam Temporary 7 Low EC1A 29 RGP 163 Temporary Crossing Temporary 7 Low EC3 33 RGP 163 Temporary Crossing Temporary 5 32 RGP 163 Temporary Crossing Temporary Temporary 4 34 RGP 163 Temporary Crossing Temporary Temporary 5 34 RGP 163 Rock Check Dam Temporary Temporary 4 35 RGP 163 Rock Check Dam Temporary Temporary 5 37 RGP 163 Temporary Crossing Temporary Temporary 9 Low U1 40 NWP 3 Sanitary Sewer Line Temporary 6 Low U2 41 NWP 3 Sanitary Sewer Line Temporary						27	RGP 163	Rock Check Dam	Temporary	6 If
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7 Low EC3 33 RGP 163 Temporary Crossing Temporary 5 Low EC3 33 RGP 163 Rock Check Dam Temporary 4 Low EC5 37 RGP 163 Rock Check Dam Temporary 5 A 36 RGP 163 Rock Check Dam Temporary 5 37 RGP 163 Rock Check Dam Temporary 5 37 RGP 163 Rock Check Dam Temporary 4 38 RGP 163 Temporary Crossing Temporary 9 Low U1 40 NWP 3 Sanitary Sewer Line Temporary 6 Low U2 41 NWP 3 Sanitary Sewer Line Temporary						30	RGP 163	Temporary Crossing	Temporary	12 If
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7 Low EC3 33 RGP 163 Temporary Crossing Temporary 5 34 RGP 163 Temporary Crossing Temporary 4 A 36 RGP 163 Rock Check Dam Temporary 5 37 RGP 163 Rock Check Dam Temporary 5 38 RGP 163 Temporary Temporary 9 Low U1 40 NWP 3 Sanitary Sewer Line Crossing Temporary 6 Low U2 41 NWP 3 Sanitary Sewer Line Crossing Temporary		,				32	RGP 163	Rock Check Dam	Temporary	6 If
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9 Low U1 40 NWP3 Sanitary Sewer Line Temporary 6 Low U2 41 NWP3 Sanitary Sewer Line Temporary Crossing			4			39	RGP 163	Temporary Crossing	Temporary	12 If
6 Low U2 41 NWP3 Sanitary Sewer Line Temporary Crossing	e R	ennial PW	6	Low	1	40	NWP 3	Sanitary Sewer Line Crossing	Temporary	1
	Per R	ennial PW	9	Low	N2	41	NWP 3	Sanitary Sewer Line Crossing	Temporary	5 If

Charlotte Storm Water Services | Hinsdale-Tinkerbell SDIP SAW-2020-01043

Jurisdictional Feature	Jurisdictional Intermittent/ NCSAM NCSAM Feature Perennial ID Score	NCSAM	NCSAM Score	Plan Sheet	Impact Number	Permit	Impact Type	Impact Type	Impact Length (If)
7 50000	Perennial	ć		_	42	NWP 3	Sanitary Sewer Line Crossing	Temporary	10 If
000000	RPW	<u> </u>	Media	2	43	NWP 3	Sanitary Sewer Line Crossing	Temporary	10 If
					44	NWP 3	Sanitary Sewer Line Crossing	Temporary	26 If
Stream 1	Perennial RPW	10, 11	Low	U5	45	NWP 3	Sanitary Sewer Line Crossing	Temporary	11 If
					46	NWP 3	Sanitary Sewer Line Crossing	Temporary	5 If
Stream 1	Perennial RPW	10	Low	90	47	NWP 3	Sanitary Sewer Line Crossing	Temporary	5 If
							Proposed Tempor	Proposed Temporary Stream Impacts:	554 If
						Propos	Proposed Permanent (Non-Loss) Stream Impacts:	ss) Stream Impacts:	1,861 If
						ď	Proposed Permanent (Loss) Stream Impacts:	ss) Stream Impacts:	116 If

Should you have any questions or require additional information following your review of the enclosed materials, please contact me at (704) 338-6710 or kelly.thames@hdrinc.com.

Sincerely,

Kelly Thames, PWS

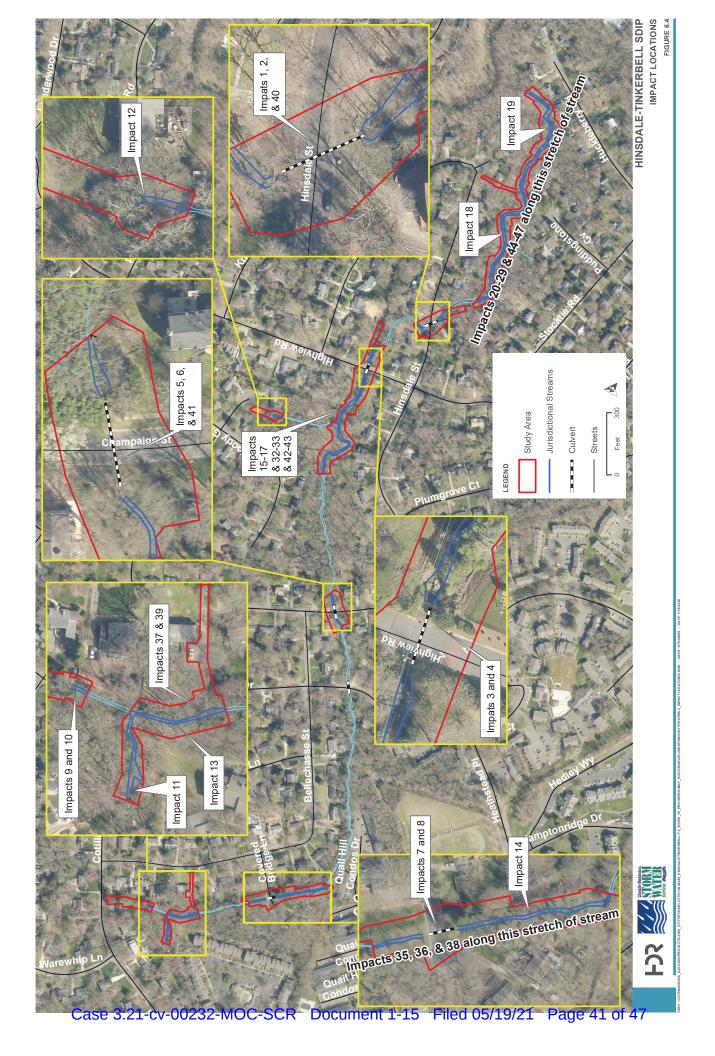
Kelly Thames

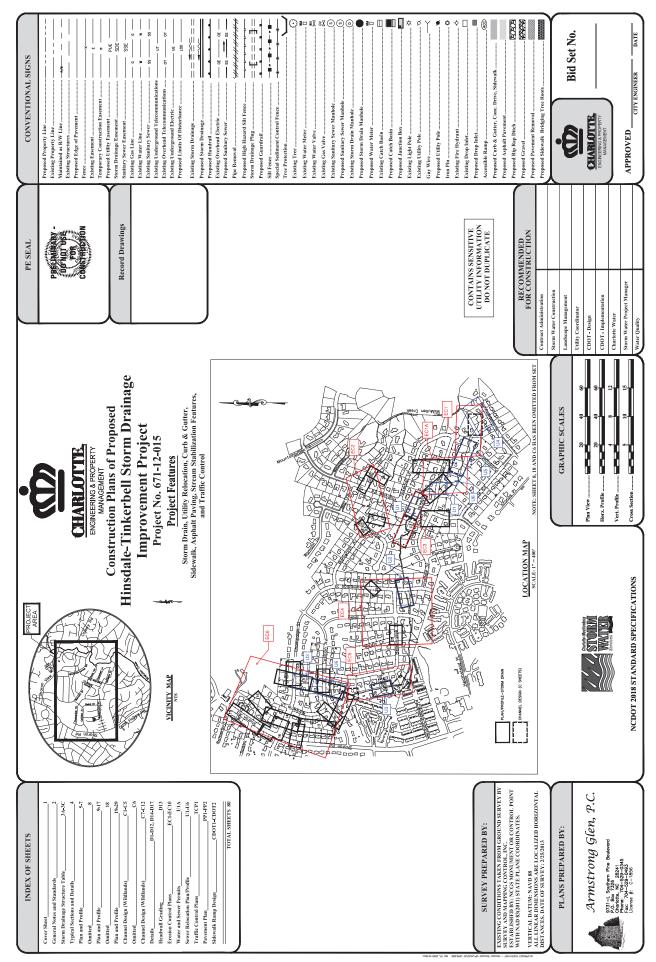
Environmental Project Manager

HDR

Attachments: Figure 6.4. Impact Locations

Overall Figure for EC and U Plan Set Series





From: Johnson, Alan <alan.johnson@ncdenr.gov>
Sent: Wednesday, July 15, 2020 10:17 AM

To: Thames, Kelly

Cc: Amschler, Crystal C CIV USARMY CESAW (US); Shanaberger, Erin

Subject: [Non-DoD Source] Hinsdale

- 1) Impact #1 and similar construction. You show riprap inside the culvert to maintain channel dimensions. Are they sized to stay in place per the storm event the culvert is designed? (Ex. 10 rain event isn't strong enough to move 12" riprap, 25 year rain event will wash away the 12" riprap). Will the riprap be backfilled with soil to fill the voids (or with crush run and/or screenings)?
- 2) Impact #2, the channel is cut...is this to have riprap? The slope may be gentle enough not to require, but you know how plans are. Sometimes the scale throws you off.
- 3) Impact #5, I propose a sill at the up and down stream ends of culvert, to help hold grade and the fill material within the culvert. And all similar culvert designs.IM
- 4) Impact #9 #10, why not extend the culvert to discharge at the current grade (flatten the slope), than continue the slope. Why the extension in the first place. Is riprap at the outfall? Was it pushed down stream? Is larger riprap proposed?
- 5) Impact #11, why propose riprap. Is the stream stable?
- 6) Impact #18 and others. Always concerned about rock toes. Soil lifts (double wrapped) and heavy vegetation appropriate?
- 7) Proposed check dams Impact #20 through ??? I assume this is for pump around for each section as they move down stream?
- 8) Riprap associated with culvert shall be embed into the streambed.

Thanks Alan



Alan D Johnson – Senior Environmental Specialist NC Dept. of Environment & Natural Resources (NCDENR) Division of Water Resources - Water Quality Regional Operations 610 East Center Ave., Suite 301, Mooresville, NC 28115

Fax: (704) 663-6040 Phone: (704) 235-2200

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Johnson, Alan <alan.johnson@ncdenr.gov>

Sent: Monday, July 13, 2020 8:27 AM

To: Amschler, Crystal C CIV USARMY CESAW (US)

Subject: [Non-DoD Source] RE: [External] FW: SAW-2020-01043 Hinsdale-Tinkerbell Storm Drainage

Improvement Project (UNCLASSIFIED)

The important thing is that they are properly removed. I had them send a hard copy to the office and I haven't yet taken a look.

Alan D Johnson – Senior Environmental Specialist NC Dept. of Environment & Natural Resources (NCDENR) Division of Water Resources - Water Quality Regional Operations 610 East Center Ave., Suite 301, Mooresville, NC 28115

Phone: (704) 235-2200 Fax: (704) 663-6040

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----Original Message-----

From: Amschler, Crystal C CIV USARMY CESAW (US) [mailto:Crystal.C.Amschler@usace.army.mil]

Sent: Friday, July 10, 2020 5:34 PM

To: Johnson, Alan <alan.johnson@ncdenr.gov>

Subject: [External] FW: SAW-2020-01043 Hinsdale-Tinkerbell Storm Drainage Improvement Project (UNCLASSIFIED)

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to report.spam@nc.gov<mailto:report.spam@nc.gov>

Hey alan,

Wanted to ask you off-line your thoughts on all those check dams. I know its not ideal to put check dams in the creek but I guess with all the stream work they are doing makes sense to make sure no sediment loss downstream?

Crystal C. Amschler Project Manager Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, NC 28403 (828)-271-7980 Ext 4231

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----Original Message-----

From: Amschler, Crystal C CIV USARMY CESAW (US)

Sent: Friday, July 10, 2020 5:31 PM

To: 'Thames, Kelly' <Kelly.Thames@hdrinc.com>

Cc: Shanaberger, Erin < Erin. Shanaberger@ci.charlotte.nc.us>; Johnson, Alan < alan.johnson@ncdenr.gov> Subject: SAW-2020-01043 Hinsdale-Tinkerbell Storm Drainage Improvement Project (UNCLASSIFIED)

Hi Kelly,

I've reviewed the PCN and have some questions I'd like to get clarified:

1) First question is about benches and bank work. The plan sheets show impacts where riprap and aprons will be replaced, stream grading and culvert replacements, but no impacts along the banks for benches. Also, the plan shows for the double barrel crossings that the low flow culvert is off to the side with nothing on the plan showing that the stream width will be maintained and the low flow will be directed into the low floor culvert. The D plan series does however show cross sections with benches for each culvert and it looks like from these plans that there will benches to maintain widths and direct flow into the low flow culverts. It would be helpful if the profile showed the extend of the bank work and benches as well. Also, the bank stabilization/benches should be included as permanent non-loss impacts for bank stabilization.

And just to note, i understand that where the two bottomless culverts are, the area is underlain with bedrock. i'm concerned that any riprap/soil placed to build benches on bedrock would quickly wash away and end up in downstream reaches. I know that Erin and Alan and I discussed previously just letting the stream follow its current, natural course in these areas of bedrock instead of trying to artificially narrow the flow to widths above and below the bed rock areas like we would normally do. Not sure if the benches should be completely removed from the plans or if there should just be a note that the benches will be constructed or eliminated in areas of bedrock based on site conditions as identified during construction.

- 2) I'm not seeing a PJD form. Please complete, sign and provide this form. Also couple questions on the JD:
- Stream 3 is labeled as ephemeral and in the pictures its looking really dry. DWR score is 18. Are you suggesting this stream is jurisdictional or just an ephemeral stormwater feature. Based on the information you provided its looking like a non-JD stormwater feature to me. If it turns out its not JD, then you would want to remove Impact 12 from the impact table and impact calculations.
- The JD shows a couple of areas that the review area bulbs out, but no waters there. Were there potential features in those areas and if not why was the map drawn this way. I attached the JD and circled in green the areas I am referring to. If these areas were drawn in this way due to potential waters please provide some photos and a stream form to verify they are non-JD.
- 3) Impacts 9/10 and 11 occur where the stream enters extensive stormwater systems. The outlet of these systems are outside of the review area included with the PJD so its unclear if the other ends are continuations of these streams or if the streams start at the inlets to these stormwater systems. Not sure what happens at the end of sheet 11, but it definitely looks like it could be a stream at the end of sheet 15 and there appears that there may be work in that feature which would need to be included in impacts if it is jurisdictional. Please provide some clarification on if there are jurisdictional waters on the other end of these systems.
- 4) there are 7 temporary stream crossings proposed. As you know, we require that impacts be avoided and minimized to the maximum extent possible, and that includes temporary crossings. The stream should be crossed as few times as possible. Please provide justification on what the stream crossings can't be reduced.
- 5) the sewer impacts describe removing pilings for aerial lines as impacts but doesn't address impacts from open cutting. The PCN and plans show some burial and any time a stream is open cut to construct utility lines, those impacts

should be identified as temporary impacts. The impact table should be revised to reflect the open cut impacts in the streams. Also, in areas that there is bedrock, I understand that blasting would be required for open cutting correct? You should provide some justification on why blasting can't be avoided, address potential risk of fracking and explain how the impact areas will be backfilled since you will be blasting in rock.

- 6) Please provide overall plan sheets that show the locations for the EC and U series of plan sheets so I know where the impacts these plans show are located.
- 7) Last question regards NLEB. This project falls under situation 1 and in the standard email we send to FWS we need to provide an estimate of the number of, or the acreage of tree clearing. Please provide this information.

Just want to say that overall, this permit application was well organized and the plans and description of proposed activities was easy to follow which I appreciate since these big projects with impacts all over can get messy and it can be hard to figure out what's going on.

Thanks, Crystal C. Amschler **Project Manager** Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, NC 28403 (828)-271-7980 Ext 4231

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